

## What Does Act 62 on Prekindergarten Education Mean for School Districts?

This past spring, the Vermont State Legislature passed a law that recognizes the importance of prekindergarten education for children ages 3 to 5 and defines the state's commitment to ensuring young children are provided "with opportunities to reach their full growth and developmental potential." Governor Douglas signed this law which is now known as "Act 62." The Act recognizes that "a child's growth and development occur best in integrated environments" and "are best provided in locations that are convenient to families and minimize transitions for children." It further acknowledges that "the provision of early care and prekindergarten education through high quality private providers is one of the most crucial elements supporting the strengths and stability of the system serving young children."

### Important Information for You to Know about Act 62:

- School districts can use public education funding for prekindergarten education (pre-K), but it is **not mandatory**. The decision of whether to offer pre-K is decided by the school board.
- Children attending a 10-hour per week pre-K program will be counted as .46 FTE; this will be prorated for children attending between 6 and 10 hours. Children in EEE are exempt from the minimum 6 hour requirement.
- Act 62 limits the number of prekindergarten children a school district can count in its average daily membership (ADM). For school districts that are starting to count pre-K children in 2007-8, the maximum number of children that can be included is one of the following: (1) half the number of children 3 to 5 residing in the district, (2) all 4-year-olds, or (3) 10 children. If a school district counted pre-K children prior to this year, the district is limited to the highest number of children it counted during any one of the past three years. If there are more children than the cap allows, the school district must use a non-discriminatory process to determine who is counted. It's important to note that districts can serve more than the number of children they are allowed to count in the ADM; that's a local decision. All EEE children are exempt from the cap but can be reported in the ADM count.
- If school districts plan to begin or expand a pre-K program, they must first implement a comprehensive community planning process. Building Bright Futures regional councils (formerly known as Early Childhood Councils) can serve as a resource. The purpose of the planning process is to assess current need and capacity, and to do an inventory of existing providers. If districts start or expand pre-K services, they must use existing qualified providers to the extent that they have the capacity to meet the district's early education needs effectively and efficiently.
- All programs in which pre-K children are counted as part of the district's ADM (these include public school-based, community child care centers, preschools, Head Start, or registered family child care homes) must meet the following quality standards:
  - Are licensed by the Child Development Division (CDD) and are in good regulatory standing,
  - Are NAEYC accredited, or have 4 STARS in Vermont's Step Ahead Recognition System (or 3 STARS with an approved plan to obtain 4 STARS within 3 years), and
  - Have a licensed early childhood or early childhood special educator. In the case of registered child care homes, regular onsite supervision by a licensed teacher can be used in lieu of the provider possessing the license.
- Act 62 states that parents can request a district to enter into a contract with a qualified child care center or registered family child care home either in or outside of the district. Qualified providers may also request that the school enter into a contract with them so that they can serve the district's pre-K children. When the request is made, the school district is required to consider it and respond.
- Under Act 62, the Department of Education (DOE) and the Department for Children and Families (DCF) will jointly write rules that provide more specific guidance on how pre-K will be implemented. These draft rules will be open for public comment from January 21 through February 29, 2008.

- This law requires all pre-K programs to provide opportunities for parent participation.
- The reporting requirements for pre-K programs have been increased, both in terms of tracking children's progress and in terms of expenditures.
- Act 62 came into effect this past July. The provisions include the cap and the requirement that all pre-K programs must be licensed by CDD, including public school-based programs. The draft rules DOE and DCF are working on will become effective in July 2008.

### **What You Should Do Now:**

- Review Act 62 and the proposed rules when they become available for public comment starting on January 21, 2008. The draft rules will be posted on the DOE website ([www.education.state.vt.us](http://www.education.state.vt.us)). Two public hearings also are scheduled: one will be held in Montpelier on February 11<sup>th</sup> and the other will be held in Rutland on February 13<sup>th</sup>. Public comment must be received by February 29 in order to be considered. This is an opportunity to have your voice heard!
- If you are currently offering pre-K programs, make certain that all will meet the program quality and educator licensure standards (this includes school-based and contracted programs). If your programs are not accredited or are not in the STARS system, you need to have them start the process as soon as possible.
- If you are planning on starting or expanding your pre-K program in 2008-9, it's not too early to begin discussions with your local providers, families, school board members, and your local Building Bright Futures council. Partnerships take time to collaboratively plan for the future.
- If you did not know that school-based pre-K programs needed to be licensed by CDD, contact the CDD Program Licensing Office **immediately**.

**For Additional Information on the following topics, go to the link that appears below the topic:**

#### **Act 62**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/acts/ACT062.htm>

#### **Rules and Rule-Making Process**

[http://education.vermont.gov/new/pdffdoc/board/packet\\_07\\_1016/item\\_1.pdf](http://education.vermont.gov/new/pdffdoc/board/packet_07_1016/item_1.pdf)

#### **NAEYC Program Accreditation**

<http://www.naeyc.org/accreditation>

#### **STARS**

<http://www.starssteahead.org>

#### **Dept. for Children and Families CDD Licensing**

<http://www.dcf.state.vt.us/CDD/licensing/general.html>

#### **Dept. of Education Educator Licensing**

<http://education.vermont.gov/new/html/maincert.html>

#### **Vermont Early Learning Standards**

[http://education.vermont.gov/new/pdffdoc/pgm\\_earlyed/pubs/vels\\_03.pdf](http://education.vermont.gov/new/pdffdoc/pgm_earlyed/pubs/vels_03.pdf)

#### **Building Bright Futures**

[www.buildingbrightfutures.org](http://www.buildingbrightfutures.org)